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*Attorneys for Defendants  
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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

MICHAEL PARDI, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

vs.

TRICIDA, INC., and GERRIT KLAERNER,

Defendant.

Case No. 4:21-cv-00076-HSG

CLASS ACTION

**STIPULATION AND ORDER  
REGARDING CONSENT TO FILING OF  
LEAD PLAINTIFF'S SECOND AMENDED  
COMPLAINT AND BRIEFING  
SCHEDULE FOR MOTION TO DISMISS**

Assigned to: Hon. Haywood S. Gilliam, Jr.

Pursuant to Federal Rule of Civil Procedure 15, Civil Local Rule 7-12, and the Court's October 5, 2022 Scheduling Order (ECF No. 106), Lead Plaintiff Michael Pardi ("Lead Plaintiff") and Defendants Tricida, Inc. and Gerrit Klaerner (collectively, "Defendants") (together with Lead Plaintiff, the "Parties"), by and through their undersigned counsel, enter into the following stipulation (the "Stipulation").

**WHEREAS:**

1. Lead Plaintiff filed his Amended Complaint for Violations of the Federal Securities Laws on June 1, 2021 (ECF No. 72).

2. On October 5, 2022, the Court entered a Scheduling Order, which, *inter alia*, set January 27, 2023 as the deadline to seek leave to amend and July 14, 2023 as the close of fact discovery (ECF No. 106).

3. On November 23, 2022, Lead Plaintiff filed its Notice of Motion and Motion for Leave to File [Proposed] Second Amended Complaint (ECF No. 109).

4. Defendants do not oppose Lead Plaintiff's proposed amendment and consent to the filing of the Second Amended Complaint.

5. Defendants reserve all rights to challenge the Second Amended Complaint on any ground and plan to file a Motion to Dismiss ("MTD") pursuant to Rule 12(b)(6).

6. The Parties have met and conferred regarding a briefing schedule for Defendants' MTD, and have agreed that Defendants' MTD will be due within 45 days after the Second Amended Complaint becomes operative; Lead Plaintiff's opposition will be due within 45 days after the filing of the MTD; Defendants' reply will be due within 30 days of the filing of Lead Plaintiff's opposition to the MTD.

7. The Parties agree and respectfully request that the Court stay all discovery until the Court rules on Defendants' MTD and that the Court vacate the current case schedule. There is good cause for this modification to the schedule: Under the Private Securities Litigation Reform Act of 1995, discovery is "stayed during the pendency of any motion to dismiss." 15 U.S.C. § 78u-4(b)(3)(B). Once a motion to dismiss is filed under the PSLRA, the statute provides for an

1 automatic stay of discovery, and the Ninth Circuit has made clear that this stay applies equally where  
2 an earlier complaint was sustained (in whole or in part). *Petrie v. Elec. Game Card, Inc.*, 761 F.3d  
3 959, 967–68 (9th Cir. 2014).

4 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, and respectfully  
5 requested, by and among the parties hereto, through their undersigned counsel of record, the that  
6 Court order as follows:

7 1. Defendants consent to the filing of Lead Plaintiff’s Second Amended Complaint,  
8 which is deemed operative as of the date of an order entering this Stipulation;

9 2. Defendants shall file their MTD challenging the Second Amended Complaint within  
10 45 days after the Second Amended Complaint becomes operative;

11 3. Lead Plaintiff shall file its opposition within 45 days after the filing of the MTD;

12 4. Defendants shall file their reply within 30 days of the filing of Lead Plaintiff’s  
13 opposition to the MTD;

14 5. All discovery proceedings are stayed until the Court rules on Defendants’ MTD and  
15 the current case deadlines (ECF No. 106) are vacated;

16 6. Within 14 days of the ruling on Defendants’ MTD, the parties will meet and confer  
17 and submit to the Court a revised case schedule.

18 Date: December 7, 2022

19 Respectfully submitted,

20 **SIDLEY AUSTIN LLP**

21 By: /s/ Sara B. Brody

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27 *Tricida, Inc. and Gerrit Klaerner*

By: /s/ Jeffrey C. Block

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 12/9/2022



Honorable Haywood S. Gilliam, Jr.  
United States District Judge